

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

DANNY EMFINGER, ET AL.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:07CV627-TSL-JCS

**CONSTRUCTION EQUIPMENT COMPANY, ET AL.
DEFENDANTS**

AGREED ORDER OF DISMISSAL WITH PREJUDICE

THIS MATTER comes before the Court on the joint *ore tenus* motion of the parties for an agreed order of dismissal with prejudice, and the Court, being informed that the parties have reached a settlement agreement and being otherwise fully apprised in the premises finds the motion to be well-taken and it should be GRANTED;

IT IS THEREFORE ORDERED that all of the Plaintiffs' claims asserted in this matter against the Defendant Construction Equipment Company are hereby dismissed with prejudice with each party to bear its own costs.

SO ORDERED this the 30th day of October, 2008.

/s/ Tom S. Lee
UNITED STATES DISTRICT JUDGE

Agreed:

/s/ B. Blake Teller
B. Blake Teller (MSB# 9044)
Attorney for Plaintiffs

/s/ James W. Shelson
James W. Shelson (MSB# 9693)
Attorney for Construction Equipment Company